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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,871	12/09/2003	James S. Voss	200314332-1	6843

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EXAMINER

WHIPKEY, JASON T

ART UNIT PAPER NUMBER

2622

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,871

Applicant(s)

VOSS ET AL.

Examiner

Jason T. Whipkey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-5, 7-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (Japanese Patent Application Publication No. 2003-244709).

Regarding **claims 1, 9, and 17**, Watanabe discloses a digital camera (see Drawing 2), comprising:

a user interface (control unit 40; see paragraph 34);

processing circuitry (CPU 38) coupled to the user interface;

a plurality of predetermined profiles (the camera stores predetermined white balance parameters for a number of different weather conditions [see paragraphs 11 and 47] and locations, such as indoors and outdoors [see paragraph 60]) stored in the camera; and

instructions that run on the processing circuitry that process geographic location and time data entered into the camera to automatically select one of the profiles based upon the geographic location and time data without presenting a question to a user (the camera uses acquired GPS and time data to select an appropriate white balancing profile; see paragraphs 38-40).

Watanabe is silent with regard to how the instructions inherently executed by CPU 38 are stored.

Official Notice is taken that it is well known in the art to store CPU instructions as firmware. An advantage of doing so is that firmware can be updated but is insusceptible to erasure because of a power loss. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Watanabe's system store instructions in firmware.

Regarding **claims 2 and 10**, Watanabe discloses:

the plurality of profiles comprise a plurality of scene profiles (depending on the GPS signal — or lack thereof — received, the camera determines whether photography is occurring indoors or outdoors and adjusts the white balance accordingly; see paragraph 60).

Regarding **claims 3 and 11**, Watanabe discloses:

the plurality of profiles comprise a plurality of illumination source profiles (the camera applies profiles depending on the type of outdoor illumination present, such as fair weather, clouds, rain, etc.; see paragraphs 46-47).

Claims 4 and 12 may be treated like a combination of claims 2 and 3 or 10 and 11.

Regarding **claims 5, 13, and 18**, Watanabe discloses:

a GPS receiver (62) and wherein the geographic location (see paragraph 36) and time data (see paragraph 61) are entered from said GPS receiver.

Regarding **claims 7 and 15**, Watanabe discloses:

the firmware is configured to select a scene profile (see paragraph 60).

Regarding **claims 8 and 16**, Watanabe discloses:

the firmware is configured to select an illumination profile (see paragraphs 43-49).

5. Claims 6, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Aoki (U.S. Patent No. 5,086,314).

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Claims 6, 14, and 19 may be treated like claims 1, 9, and 17, respectively. However, Watanabe is silent with regard to allowing a user to manually enter geographic location and time data.

Aoki discloses an exposure control device for a camera that determines an appropriate exposure profile based on latitudinal and longitudinal data that can be entered directly by a user (see column 12, lines 6-8). The user is also responsible for entering the time (see column 4, lines 13-17). As stated in column 11, lines 49-57, an advantage of entering this data in is that an appropriate sunrise or sunset time can be calculated and/or corrected, resulting in a more accurate exposure. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Watanabe's camera allow a user to enter a geographic location and time, as described by Aoki.

Conclusion

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

7.

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava, can be reached at (571) 272-7304. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW

JTW

July 14, 2006



VIVEK SRIVASTAVA
PRIMARY EXAMINER